

**MINUTES  
of the  
FOURTH MEETING  
of the  
LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE**

**September 19-20  
Golf Course Club House  
New Mexico State University  
Las Cruces**

Representative Danice Picraux, chair, called the meeting to order at 9:08 a.m. at the New Mexico State University (NMSU) Golf Course Club House in Las Cruces.

**Present**

Rep. Danice Picraux, chair  
Sen. Dede Feldman, vice chair  
Sen. Rod Adair  
Rep. William "Ed" Boykin  
Rep. Keith J. Gardner  
Sen. Mary Kay Papen  
Rep. Jim R. Trujillo

**Absent**

Sen. Steve Komadina

**Advisory members**

Sen. Sue Wilson Beffort (9/20)  
Rep. Ray Begaye  
Rep. Miguel P. Garcia  
Rep. John A. Heaton (9/19)  
Rep. Antonio Lujan  
Rep. James Roger Madalena  
Rep. Terry T. Marquardt (9/19)  
Rep. Edward C. Sandoval  
Rep. Gloria C. Vaughn

Rep. Gail Chasey  
Rep. Kandy Cordova  
Sen. Clinton D. Harden, Jr.  
Sen Timothy Z. Jennings  
Sen. Gay G. Kernan  
Sen. Linda M. Lopez  
Rep. Rick Miera  
Sen. Gerald Ortiz y Pino  
Sen. Leonard Tsosie

(Attendance dates are noted for those members not present for the entire meeting.)

**Staff**

Karen Wells  
Sarah Salazar  
Raul Burciaga

**Guests**

The guest list is in the meeting file.

## **Monday, September 19**

Dr. Michael Martin, president of NMSU, welcomed the committee and guests to the NMSU Golf Course Club House. He thanked the legislators for their support and outlined the successes and future plans for the university, which will benefit both the city of Las Cruces and the state.

William Flores, provost of NMSU, had suggestions regarding allowing university credit hours when partnerships are created with hospitals to educate nurses. He was proud to inform the committee that NMSU is hosting the baseball team from a Louisiana college, displaced because of Hurricane Katrina.

A motion was made to accept the August minutes, and it was seconded and approved.

Karen Meader, director for the Behavioral Health Services Division, Department of Health (DOH), gave an update on the Behavioral Health Collaborative. She reminded the committee of the vision of collaboration, which promotes recovery for all. New Mexico is transforming its behavioral health system to operate a single coordinated delivery system for behavioral health services. The collaborative is currently in phase one with the hopes of implementing phase two by FY 2007. Ms. Meader informed the committee of the challenges the collaborative is currently facing and what is being done to tackle them.

Questions from the committee concerned the following:

- legal issues, community reintegration and treatment of prisoners;
- a better breakdown of funds and what percentage goes to administration;
- a summary of the grants that the collaborative has received be provided;
- cooperation among the state agencies involved in the collaborative;
- budgets for behavioral health and value options;
- the need for more inpatient beds;
- support school-based clinics; and
- training for incarcerated youth.

Arturo Gonzales, executive director of the Sangre de Cristo Community Health Partnership, presented an overview of the New Mexico Screening, Brief Intervention, Referral and Treatment (SBIRT) Project. The goal of the project is to provide increased access to clinical assessment and brief treatment for patients who are experiencing or are at risk for problems related to their use of alcohol or drugs. The program covers persons 18 and older and offers appropriate integrated behavioral health services at community primary care clinics. He described the phases of the SBIRT program. He concluded by informing the committee about the patients currently enrolled in the program.

Questions from the committee concerned the following:

- how the program only deals with substance abuse;

- the potential for requiring people to be screened for treatment regardless of whether or not they want it;
- how other states are addressing this;
- the need to require certain clients to take medications; and
- future plans once the current funding grant expires.

Nicole Gurley, an advocate for people with mental illness, provided public comment, stating that Dona Ana County needs publicly operated locked, secure psychiatric beds. She reminded the committee that the population of southern New Mexico is growing and needs are increasing, especially the need for services for protective custody assessments and civil commitments (seven to 30 days). She presented the committee with a list of needs, including an assertive community treatment team, crisis intervention training for all police officers and pre-trial services for district and magistrate courts.

Ben Boone, program director for the Ability Center, gave a short presentation on patients and the medications they should be taking. He noted that many times crimes are committed by the mentally ill when they are not on their medications.

Former State Representative John Paul Taylor spoke of the importance of keeping mentally ill patients closer to home. He said he would like to see an extension of the state hospital in Las Cruces. He also raised some questions regarding border health appropriations in previous years, requesting an accounting of the use of these funds by Secretary of Health Michelle Lujan Grisham. He specifically questioned how the \$1,724,000 that has been appropriated for border health is being used.

The Dona Ana Task Force for Mental Health was represented by Susie Kimble, president, Becky Beckett, Family-to-Family Program, Robert Mansfield, CEO, Mesilla Valley Hospital, and Richard Magee, past president of the National Alliance for the Mentally Ill (NAMI).

Ms. Kimball provided historical information on the task force, which exists to address the needs of the mentally ill patients in southern New Mexico. Its goal is to provide services locally. She stressed how transporting patients to the Las Vegas Medical Center often requires patients to sit in a police car, handcuffed and in shackles, for up to five hours. She emphasized the importance of transitional services, called "step up/step down" programs, and the need for funding for telemeetings to reach all areas in the region.

Ms. Beckett, statewide NAMI education coordinator, described the Family-to-Family Program, which provides a free 12-week course for family and friends of individuals with serious mental illness.

Mr. Mansfield stated that the hospitals in Las Cruces have the capacity, but not the financial ability, to appropriately serve this population. He stressed the need for intermediate care beds for persons with chronic and persistent mental illness.

Mr. Magee, a parent of a schizophrenic daughter, reiterated what the previous speakers said. He would like to see more money for additional resources in the community.

Questions from the committee included the following:

- the need to address the issue of humane transportation of mentally ill patients;
- the number of patients per year that go to Las Vegas from southern New Mexico;
- the potential for mobile crisis response;
- ways to ensure statewide availability of services;
- why sick people are being put in jail;
- why there are not any patients in the Alamogordo hospital; and
- provisions for violent patients.

Raul Burciaga, assistant director, Legislative Council Service (LCS), and Tony Popp, economist, NMSU, gave an update on the health care financing study that the LCS and NMSU are performing. Mr. Burciaga said the study will build on the first study that was performed, which provides baseline information.

Questions from the committee included the following:

- ways in which the Medicaid budget affects private sector spending in health care;
- the need for a better analysis of how health care dollars spent could be used to provide health care for everyone; and
- the relationship between cost-shifting and uncompensated care.

Representative Picraux suggested that a bill be endorsed by the committee to cost out three different health care plans.

Michelle Lujan Grisham, secretary of health, and Jeffery Brandon, dean of the College of Health at NMSU, presented concerns that arise from being 62 miles from the border with Mexico. NMSU faculty and staff interact regularly with people, agencies and governments from the border. Mr. Brandon pointed out that many border counties are medically underserved and poor, and therefore have a higher incidence of communicable diseases. Hepatitis A, tuberculosis and HIV/AIDS are growing threats. NMSU is partnering with various organizations to improve health in the areas along the border.

Secretary Grisham described the Office of Border Health (OBH), which is located in Las Cruces. The OBH maintains its link to the community through the work of the New Mexico Border Health Council, which serves as the primary community advisory body to the OBH. Their mission is to improve health status and health services in New Mexico border regions and impact areas, recognizing border health as a statewide issue. She distributed a letter to the committee updating them on the DOH's support of several important programs at NMSU.

Questions and comments from the committee included the following:

- how money from border health that has been awarded in previous legislative sessions is being used;

- the need for enhanced partnerships with NMSU;
- working with Ciudad Juarez;
- the spread of AIDS in the Hispanic population; and
- the number of people not seeking medical care because of language barriers.

Silvia Sierra, director for the Dona Ana County Health and Human Services Department, presented an overview of the department. She said that Dona Ana County is unique in the state in that it mandates a department of county government to address health and human services needs. Ms. Sierra described the composition of the department and its role and function.

Secretary Grisham and Mr. Brandon presented information on health disparities in New Mexico. Secretary Grisham presented alarming demographics: New Mexico is fourth in the nation for poverty and 18.6 percent of New Mexicans live below the federal poverty level. Of the many characteristics that lead to health disparities, New Mexicans are faced with increased rates of teen births, inadequate prenatal care and higher death rates due to unintentional injuries. The DOH is engaged in many efforts to address disparities in New Mexico. The Office of Planning and Multicultural Health is charged with creating innovative approaches to improve the overall health of New Mexicans and address multicultural health disparities.

Mr. Brandon identified ways in which NMSU is partnering with DOH to address health disparities. Among other approaches, the College of Health and Social Sciences (CHSS) is increasing minority student representation within its academic majors to create a more diverse workforce.

Secretary Grisham informed the committee about teen pregnancy statistics in New Mexico. The state has the third highest teen birth rate in the nation; however, she noted that 14 counties reported reducing teen births by 20 percent from 1998 to 2003. The DOH is doing everything it can with the funding made available to it. Some of the prevention efforts that she highlighted included abstinence education, family planning services, resiliency and risks programs and parent education. She also highlighted the South Valley Male Involvement Project. She shared the letter that her department sent to the United States Department of Health requesting approval of them to extend sex education to sixth grade students which it approved.

Questions and comments from the committee included:

- the percentage of abstinence money that goes to the seventh through the twelfth grades;
- services provided by family planning;
- what needs to be done to correct the problem;
- where the money is being spent; and
- what counties with lower birth rates than others are doing.

Jennie Collie provided public comment on the early intervention program. She described the type of muscular dystrophy her son has and the type of care that is needed for him to survive. Ms. Collie has insurance through her employer; however, it is not covering the cost of care for her

son. The early intervention program has provided her with many services, some of which include a physical therapist, a nutritionist, respite and a teacher to teach the family about the disease. Overall, she said that the money that is given to early intervention is well spent and it is a great resource.

The committee recessed for the day at 7:00 p.m.

## **Tuesday, September 20**

The chair called the meeting to order at 9:07 a.m.

Fran Ahern Smith discussed nursing issues facing the state. As of 2005, there are 15,151 registered nurses and 3,021 licensed practical nurses with New Mexico residency. The nursing workforce has increased by 12.38 percent since 2001. One of the biggest issues is that over 41 percent of RNs and 43 percent of LPNs are over age 50, which means that 43 percent of the workforce will have to be replaced over the next 15 years. Although the nursing programs have received money from the legislature, there are still challenges. A very big concern is the amount of qualified faculty in schools of nursing. She recommended continuing appropriations for the Faculty Loan Program. Ms. Smith described the Center for Nursing Excellence and its goals, accomplishments and initiatives.

Mary Hoke, dean of the College of Nursing at NMSU, described the nursing programs available to students at NMSU. Two nursing students, Tennille Gonzales and Ruth Romero, gave a brief explanation of their studies. Ms. Hoke identified her goal of adding a nursing Ph.D. program in collaboration with the University of New Mexico. She also expressed concern regarding the lack of permanent state and federal funding and the necessity for an appropriately educated and experienced nursing faculty. Ms. Hoke identified the NMSU nursing education request for FY 2007, which has already been approved by the regents, which will appropriate \$432,500 to nursing expansion funding and an additional allocation of \$60,000 to the NMSU College of Nursing.

Questions from the committee included the following:

- the need to attract and keep faculty;
- how many years have students been turned away from programs because of lack of faculty;
- the need for more money for faculty;
- the need for a systematic fix of the higher education funding formula;
- collaborations with other community colleges;
- the impact of managed care on nursing shortages;
- a request that the Legislative Education Study Committee (LESC) hear her presentation; and
- a request to write a letter to the Higher Education Department (HED) to meet with the nursing industry to learn firsthand of their needs.

Amy Dixon, executive director of Desert States Physical Therapy, spoke about physical therapy shortages in the state and what can be done to fix them. She thanked the committee for passing the deductions from gross receipts tax and managed care receipts for health care providers. She shared her concern about having to pay gross receipts tax on Medicare and TriCare receipts, stating that this tax is hurting the physical therapy industry in New Mexico and has made recruitment in the state difficult. With the difficulty filling positions, some clinics cannot accept or are terminating major contracts with nursing homes, schools or home health agencies since they do not have the human resources to adequately staff the contracts. Ms. Dixon thanked Representative Sandoval for carrying the legislation, and although it did not pass, she asked for the committee's support for future legislation.

Pat Kearney, physical therapist and co-owner of Carlsbad Physical Therapy, asked that the state offer loan assistance, loan forgiveness and other incentives to newly graduating physical therapists who stay in New Mexico. She asked the committee to promote legislation that will enable more New Mexicans to obtain adequate and cost-effective medical insurance, assist the University of New Mexico in expanding its current physical therapy program and promote legislation that will provide payment for direct access to physical therapy services.

Questions and comments from the committee included:

- whether salaries are being artificially inflated; and
- whether there is a problem with self-referral.

Mahmood Hurab, owner of Rede's Pharmacy, expressed concern to the committee about mail order pharmacies. Small family-owned pharmacies that have been practicing good customer service for years are unable to compete with them. He suggested that the Board of Pharmacy and the governor should consider requiring mail order companies to open offices and hire pharmacists and technicians to receive mailed medications so that they can deliver these medications and consult with patients.

Comments and questions from the committee included the following:

- how an attempt was made to address this issue in the past and how it was unsuccessful;
- the need to protect "home grown" businesses;
- the need to ensure that the state does not undermine local pharmacies;
- how mail order pharmacies negotiate directly with the manufacturer, thereby achieving greater discounts; and
- the need to balance competing objectives.

Angie Huskan, program director for Tresco, testified regarding the importance of the Family, Infant Toddler (FIT) Program, which she states is underfunded. Recruitment of physical therapists at Tresco is very difficult as the salaries they are able to pay are not competitive, yet the services they provide are essential to these vulnerable children. A rate increase for the FIT Program is needed to ensure its ability to provide early intervention services.

Nancy Hudson provided public comment regarding her concern that more money needs to be funded for early intervention. She said this money can be used for a number of things, especially provider recruitment

Harvey Licht, director, Primary Care and Rural Health Office, DOH, Jerry Harrison, director, New Mexico Health Resources, and Maria Martinez, HED, testified to the committee about workforce shortages, ongoing recruitment efforts and incentive programs that encourage health care practitioners to remain in New Mexico. Mr. Licht oversees various incentive programs that provide financial awards contingent upon the recipient remaining in the state and that are coordinated through the DOH, including: 1) loan-for-service scholarships; 2) the New Mexico Health Service Corps stipends (awarded during residency); 3) federal programs (including the National Health Service Corps); 4) loan repayment (managed by the Department of Higher Education); and 5) the J-I Visa Program, which allows foreign physicians to stay in the U.S. to practice in underserved areas.

Mr. Harrison discussed legislation previously supported by this committee to incentivize specialists to practice in underserved areas of New Mexico and create a fund to support this, as well as to fund recruitment of New Mexicans to return to the state after medical school. Ms. Martinez discussed aspects of various loan repayment programs supported by the state, including New Mexico's participation in the Western Interstate Commission on Higher Education (WICHE).

Questions and comments from the committee included the following:

- the number of slots available through WICHE;
- criteria for selection into WICHE;
- details of other loan repayment opportunities; and
- the adequacy of funding for incentive programs.

Committee members recommended consideration of a higher level of funding for loan repayment programs and tax relief on stipends. After discussion, Senator Feldman made a motion that a letter be written to the secretary of WICHE to recommend a requirement that New Mexico requests for WICHE slots match the health care needs in the state. Ms. Martinez offered to help draft the letter. The motion was seconded and passed.

Mike Miller, chair, Statewide EMS Advisory Committee, addressed the committee about emergency medical services, most of which are provided by volunteers. The preventative health and health services block grant at the Centers for Disease Control has funded EMS in New Mexico for \$131.8 million in FY 2005, but is slated to end in FY 2006. He explained the uses of the dollars and how it affects the committee. Mr. Miller described EMS services in New Mexico and emphasized that they are the first line of health care for many people in rural areas. Many hospitals are using EMS to deal with nursing shortages in the state. He asked the committee to continue funding for these important services.

Comments and questions from the committee included:



- sources of federal funding;
- concern over rural addresses; and
- equipment in each ambulance.

Bill Valentine, representing the New Mexico Association of Community Colleges and the New Mexico Dental Association, addressed the committee about dental hygiene programs throughout the state, and requested additional funding for new programs in the southern part of the state. Mr. Valentine said there is a shortage of dental hygienists in the eastern and southern parts of New Mexico due to higher wages in Texas.

Maggie Huerta, CEO of Dona Ana Community College, requested support for starting a dental hygiene program at the community college. She said that there is already in place a very successful dental assistant program at the college. Ms. Huerta informed the committee that there have been 362 requests for such a program.

Questions and comments included the following:

- the need for coordination with the Dental Hygiene Association;
- the need for balanced funding throughout the state for these kinds of programs;
- opportunities to utilize distance education; and
- a recommendation to look at what other states are doing.

Senator Beffort expressed disappointment that the Dental Hygienist Association is not more supportive of this initiative. She requested that it come before the committee at a future meeting to present its position. Representative Picraux invited public comment on the issue. Doris Baker, a RDH and member of the association, said she would be glad to work with the association to bring its issues before the committee.

Al Galves, a licensed psychologist in Colorado and long-time resident of New Mexico, presented public comment requesting consideration of a community-based, supportive environment for people with mental illness that does not rely on medications.

Katheryn Whalock discussed her desire for funding for an enhanced ombudsman program in nursing facilities as well as increased funding for these facilities.

The committee adjourned at 4:52 p.m.